IN THE UNITED STATES BANKRUPTCY COURT FOR THE NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION

IN RE : CHAPTER 7

GEOFFREY FARRELL ZILBERBERG, : CASE NO. 20-68775-PMB

Debtor.

FINANCIAL SERVICES VEHICLE TRUST.

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Movant, : CONTESTED MATTER

v. :

GEOFFREY FARRELL ZILBERBERG, Debtor;

and KATHLEEN STEIL, Trustee,

Respondents.

NOTICE OF HEARING

PLEASE TAKE NOTICE that **Financial Services Vehicle Trust** has filed a Motion for Relief from Automatic Stay and related papers with the Court seeking an order of relief from the Automatic Stay.

PLEASE TAKE FURTHER NOTICE that the Court will hold a hearing on the Motion for Relief from Automatic Stay, in Courtroom 1202, The Richard B. Russell Federal Building, 75 Ted Turner Drive, SW, Atlanta, Georgia 30303 at 1:30 pm on October 5, 2020. Given the current public health crisis, hearings may be telephonic only. Please check the "Important Information Regarding Court Operations During COVID-19 Outbreak" tab at the top of the GANB Website prior to the hearing for instructions on wether to appear in person or by phone.

Your rights may be affected by the Court's ruling on these pleadings. You should read these pleadings carefully and discuss with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.) If you do not want the Court to grant the relief sought in these pleadings, or if you want the Court to consider your views, then

you and/or your attorney must attend the hearing. You may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and on whom (including addresses) you served the response. Mail or deliver your response so that it is received by the Clerk at least two business days before the hearing. The address for the Clerk's Office is: Clerk, United States Bankruptcy Court, Room 1340, U.S. Courthouse, 75 Ted Turner Drive, SW, Atlanta, Georgia 30303. You must also mail a copy of your response to the undersigned at the address stated below.

IF THE MOTION IS FOR RELIEF FROM STAY, and a hearing on the motion for relief from the automatic stay cannot be held within thirty (30) days, Movant waives the requirement for holding a preliminary hearing within thirty days of filing the motion and agrees to a hearing on the earliest possible date. Movant consent to the automatic stay remaining in effect until the Court orders otherwise.

Dated: August 17, 2020 Signature: /s/Philip L. Rubin

Philip L. Rubin 5555 Glenridge Connector Suite 900 Atlanta, Georgia 30342 (404) 869-6900 prubin@lrglaw.com Bar Number 618525

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FINANCIAL SERVICES VEHICLE TRUST,

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Movant, : CONTESTED MATTER

v. :

GEOFFREY FARRELL ZILBERBERG,

Debtor; and KATHLEEN STEIL, Trustee,

Respondents.

MOTION FOR RELIEF FROM AUTOMATIC STAY

NOW COMES FINANCIAL SERVICES VEHICLE TRUST(the "Movant") and moves this Court for relief from the automatic stay and shows the Court as follows:

1.

On August 6, 2020, Geoffrey Farrell Zilberberg ("Debtor") filed a Voluntary Petition pursuant to 11 U.S.C. Chapter 13, and said case converted to Chapter 7, and said case is pending before this Court.

2.

Movant has a claim in this case on a Lease Agreement for a vehicle, to wit: 2016 BMW i8 Series Coupe VIN WBY2Z2C5XGV675450 (the "Vehicle"). The amount remaining on the Lease Agreement is \$126,754.95. The lease matured on December 5, 2019 and the full balance is due. The NADA value of the Collateral is \$58,500.00, and no other collateral securing this loan.

3.

The Lease Agreement is a "true lease" under Georgia law.

4.

Debtors do not have any equity in the Vehicle or the Lease Agreement to benefit the estate and the Trustee's interest should be abandoned. The Vehicle is the only property subject to the Lease Agreement.

5.

Cause exists, including the lack of adequate protection, to grant Movant relief from the automatic stay so as to authorize Movant to exercise its rights in and to the Vehicle.

6.

Movant does not have proof of insurance protecting its interest in the Vehicle or has been advised that there is no insurance in force.

7.

Movant requests that Rule 4001(a)(3) be waived.

WHEREFORE, Movant prays that this Court:

- (a) Hold a hearing pursuant to this Motion within thirty (30) days as is required under 11 U.S.C. Section 362(e);
- (b) Enter an Order terminating the estate's interest in the Lease Agreement as herein defined and providing further that the automatic stay, to the extent it restrains Movant from enforcing its rights in and to the Vehicle, be vacated;

- (c) Waive Rule 4001(a)(3); and
- (d) Grant such other and further relief as the Court deems to be just and proper.

This August 17, 2020.

The Law Office of LEFKOFF, RUBIN, GLEASON & RUSSO, P.C. Attorneys for Movant

By:/s/ Philip L. Rubin
Philip L. Rubin
Georgia State Bar No. 618525

5555 Glenridge Connector Suite 900 Atlanta, Georgia 30342 (404) 869-6900 prubin@lrglaw.com

IN THE UNITED STATES BANKRUPTCY COURT FOR THE NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION

IN RE : CHAPTER 7

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FINANCIAL SERVICES VEHICLE

TRUST,

Movant,

: CONTESTED MATTER

v.

GEOFFREY FARRELL ZILBERBERG,

Debtor:

and KATHLEEN STEIL, Trustee,

Respondents.

CERTIFICATE OF SERVICE

The undersigned, Philip L. Rubin, hereby certifies that I am, and at all times hereinafter mentioned, was more than 18 years of age, and that I served the MOTION FOR RELIEF FROM AUTOMATIC STAY and NOTICE OF HEARING on the following parties 1) electronically, if allowed by and pursuant to the requirements of local rule, or 2) by depositing same in the United States Mail in properly addressed envelope(s) with adequate postage to all others, as follows:

Geoffrey Farrell Zilberberg 971 Davis Drive Atlanta, GA 30327 Kathleen Steil Chapter 7 Trustee Ogier, Rothschild & Rosenfeld, P.C. P.O. Box 1547 Decatur, GA 30031

This August 17, 2020.

The Law Office of LEFKOFF, RUBIN, GLEASON & RUSSO, P.C. Attorneys for Movant

By: <u>/s/ Philip L. Rubin</u>
Philip L. Rubin
Georgia State Bar No. 618525

5555 Glenridge Connector Suite 900 Atlanta, Georgia 30342 (404) 869-6900 prubin@lrglaw.com

N.A.D.A. Official Used Car Guide Vehicle Valuation

Print Date: August 12, 2020

Vehicle Description: 2016 BMW i8 Series Coupe 2D AWD

VIN: WBY2Z2C5XGV675450

Base Values

Retail: \$ 58500.00 Wholesale/Trade-in: \$ 53275.00

Optional Equipment/Adjustments

Estimated Miles: 62500 \$ 0.00

Total Adjusted N.A.D.A. Used Car Guide Values

Retail: \$ 58500.00 Retail/Wholesale Average: \$ 55887.50

Reference 08/2020 Southeastern

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